

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

MICHAEL ZEIGLER, JR.,

Defendant.

ORDER
05-CR-284S

1. On January 23, 2006, this Court referred this matter to the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, for all pretrial matters pursuant to 28 U.S.C. § 636(b)(1).

2. On December 29, 2005, Defendant filed a First Motion for Discovery and requested therein that a suppression hearing be conducted and that evidence be suppressed. Judge Schroeder held a suppression hearing on February 17, 2006, and accepted post-hearing briefs from the parties on March 10, 2006.

3. On July 5, 2006, Judge Schroeder filed a Report and Recommendation recommending that Defendants' request for suppression be denied in part and granted in part. In particular, Judge Schroeder recommends that Defendant's request to suppress the first firearm and the bullets seized from the bedroom of 68 Forman Street be denied. He further recommends that Defendant's request to suppress his statements be denied. Finally, Judge Schroeder recommends that Defendant's request to suppress the second firearm seized from under a blanket in the bedroom of 68 Forman Street be granted.

4. Defendant has not filed any objection to this Report and Recommendation within ten days from its date of service in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3).

IT HEREBY IS ORDERED, that this Court ACCEPTS Judge Schroeder's July 5, 2006 Report and Recommendation (Docket No. 16).

FURTHER, that Defendant's request to suppress evidence contained in its First Motion for Discovery (Docket No. 6) is DENIED in part and GRANTED in part consistent with Judge Schroeder's Report and Recommendation.

FURTHER, that counsel for the Government and Defendant shall appear before this Court for a status conference on Monday, July 31, 2006, at 9:00 a.m.

SO ORDERED.

Dated: July 26, 2006
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge